

## **EXHIBIT BB**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ARUBA HOTEL ENTERPRISES N.V.,	:	
	:	
Plaintiff,	:	07-cv-7564 (PAC)(HBP)
	:	
v.	:	
	:	
MICHAEL BELFONTI, BELFONTI	:	
HOLDINGS, LLC and BELFONTI CAPITAL	:	
PARTNERS, LLC,	:	
	:	
Defendants.	:	
-----	X	

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANTS'  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 26 of this Court's Local Rules, Plaintiff Aruba Hotel Enterprises N.V. ("Plaintiff"), by and through its counsel, hereby responds and objects to the Request for Production of Documents to Aruba Hotel Enterprises N.V. (the "Requests") propounded by Defendants Michael Belfonti, Belfonti Holdings, LLC, and Belfonti Capital Partners, LLC's ("Defendants") on July 28, 2008.

**GENERAL OBJECTIONS**

1. Plaintiff objects to the Requests (including the definitions and instructions) insofar as they attempt to impose any obligations beyond those established by the Federal Rules of Civil Procedure, this Court's Local Rules and any other applicable law.
2. Plaintiff objects to the Requests to the extent that they seek or could be construed to seek the production of information and/or documents that are protected from disclosure by the attorney-client privilege or any other privilege recognized by statute, at common law, or the Federal Rules of Civil Procedure, or which constitute or reflect attorney work product. Inadvertent identification or production of any such document or information shall not constitute a waiver of any privilege with respect to the subject matter thereof or the information contained

therein, and shall not waive Plaintiff's right to object to the use of any such document or the information contained therein during any subsequent proceeding.

3. Plaintiff objects to the Requests to the extent that they call for the disclosure of confidential or proprietary information. Documents containing such information will only be produced subject to the terms of the Amended Stipulation and Order for the Production of Confidential Information that was dated July 18, 2008 and filed in *Aruba Hotel Enterprises N.V. v. Michael Belfonti, et al.*, No. 07 Civ. 01297 (JCH) (D.Conn), which governs the production of documents and information in this action by agreement of the parties.

4. Plaintiff objects to the Requests to the extent that they seek information and/or documents that are not in Plaintiff's possession, custody, or control.

5. Plaintiff objects to the Requests to the extent that they call for the production of information and/or documents that (a) are obtainable from another source that is more convenient, less burdensome, or less expensive, and/or (b) are already known to Defendants.

6. Plaintiff objects to the Requests (including the definitions and instructions) to the extent that they are not limited in time and/or scope.

7. Plaintiff objects to the Requests to the extent they seek information and/or documents which, if disclosed, might violate a duty of nondisclosure to a third party. Such information and/or documents will only be disclosed after appropriate advance notice is given to the applicable third party.

8. Plaintiff reserves all objections that may be available to it at any hearing or trial or on any motion to the use or admissibility of any information provided. The production of any information and/or documents does not constitute an admission by Plaintiff that such information and/or documents are relevant to this action or admissible in evidence.

9. To the extent any of the Requests are premised on disputed allegations, Plaintiff's answer and/or response to those Requests shall not be deemed an admission of any such disputed allegations.

10. To the extent information is subsequently discovered, Plaintiff reserves the right to revise or supplement its responses to the Requests and to assert additional objections.

11. Plaintiff objects to Definition 12 on the ground that Defendants wrongfully characterize the nature of the purported "Loans."

### **SPECIFIC RESPONSES AND OBJECTIONS**

Subject to the General Objections set forth above, all of which are incorporated by reference into each of the individual responses set forth below, Plaintiff responds to each individual Request as follows:

#### **Request No. 1:**

All documents and communications regarding AHE's financial statements and/or other books and records, both audited and unaudited, from May 23, 2007 to present.

#### **Response to Request No. 1:**

Plaintiff objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks production of documents that are not related to the "Loans," as well as communications that were generated or created after August 21, 2007. Subject to and without waiving the foregoing, Plaintiff states that it has already produced AHE's financial statements and books and records, to the extent they reference the "Loans," through June 12, 2008, as well as any communications concerning the "Loans" made on or prior to August 21, 2007.


**Request No. 2:**

All documents referenced in or used by You to respond to any of the Interrogatories served by any of the Defendants in this case or in *Aruba Hotel Enterprises, N.V. v. Belfonti*, No. 07 Civ. 1297 (JCH).

**Response to Request No. 2:**

Plaintiff objects to this Request as overly broad and, in consequence, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Dated: New York, New York  
August 29, 2008

By   
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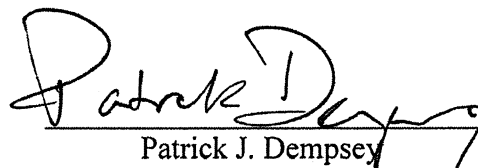
**CERTIFICATE OF SERVICE**

07 Civ. 7564 (PAC)(HBP)

I HEREBY CERTIFY that on August 29, 2008, service of Plaintiff's Responses and Objections to Defendants' Request for Production of Documents was made by electronic mail upon the defendants by service upon their counsel:

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Dated: New York, New York  
August 29, 2008

  
Patrick J. Dempsey